

Housing and Redevelopment Authority in and for
the City of Bloomington

**REQUEST FOR PROPOSAL
LEGAL COUNSEL SERVICES**

Doug Grout
Housing and Redevelopment Authority Administrator
City of Bloomington
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Responses Due: August 31, 2015 before 4:00 P.M. CST

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the City of Bloomington
City of Bloomington, Minnesota**

REQUEST FOR LEGAL SERVICES PROPOSAL

SECTION I. BACKGROUND

The Housing and Redevelopment Authority in and for the City of Bloomington (BHRA) is requesting proposals from firms interested in providing legal counsel and associated services to the BHRA. The BHRA invites law firms with experience representing local governments, housing and redevelopment authorities or municipal redevelopment agencies to submit written proposals to provide legal counsel services.

The BHRA's general counsel has been Sherrill Oman of Fredrikson Byron. Ms. Oman is retiring after several years as BHRA's legal counsel.

The BHRA was created in 1971 to provide affordable housing and redevelopment programs and services within the City of Bloomington, Minnesota. The BHRA administers the Housing Choice Voucher (Section 8) rental assistance program, home improvement loan programs, assists with affordable housing development, and manages redevelopment and neighborhood improvement projects throughout the city.

The BHRA is governed by a board of five commissioners appointed by the Mayor and confirmed by the City Council, one of whom is also a City Council member. The current members of the Board of Commissioners of the Housing and Redevelopment Authority are:

Mark Thorson	President
Cheryl Lewis	Vice President
Michael Fossum	Secretary
Andrew Carlson	Commissioner
Nathan Coulter	Commissioner

The BHRA has limited taxing powers, and has authority to issue bonds for public improvements and development. Types of bonds issued to fund public improvements in the past include tax increment revenue bonds, general obligation bonds, and developer notes.

The City Council guarantees certain Housing and Redevelopment Authority debt and contractually provides staff to manage the BHRA's operations. A copy of the BHRA's bylaws is attached in Appendix A, the City Council establishing resolution in Appendix B and the contract with the City for providing staff services, including General Counsel, is Appendix C.

The City of Bloomington's tax base is equally divided between residential and commercial/industrial uses. Many national and international corporations, including Seagate Technology, The Toro Company, Thermo King Corporation, Ceridian Corporation, Cypress Semiconductor, Polar Semiconductor, Health Partners, Donaldson Company and Quality Bicycle have their headquarters in Bloomington. Business and tourist-related hospitality is a leading industry in Bloomington with more than 38 hotels (8,300 hotel rooms), over 150 restaurants and many entertainment facilities. Bloomington expects its role as a major regional and national tourism and meeting center to grow (see articles and internet links about recent HRA initiatives in Appendix D).

SECTION II. SCOPE OF SERVICES

The BHRA is seeking a law firm to provide a comprehensive range of services related to the Authority's housing and redevelopment programs and projects. The following list illustrates the types of services needed:

- Advise the BHRA regarding the legal implications of potential and proposed transactions.
- Negotiate and draft development agreements, including development service contracts, lease agreements, easements, traffic demand management agreements, public improvement agreements, recapture agreements, redevelopment agreements, access agreements and other legal documents relating to the acquisition, development or use of real property.
- Negotiate, draft and review agreements, contracts, resolutions and correspondence associated with BHRA projects and programs, including affordable housing and redevelopment related projects.
- Coordinate and collaborate with the City Attorney, the BHRA's Bond Counsel and Financial Advisor in the provision of legal services to the BHRA.
- Advise the BHRA regarding tax increment financing and tax abatement tools, as used in BHRA's development districts.
- Participate in devising BHRA strategy, identifying future projects, programs and plans. Advise and provide timely updates to the BHRA and staff on conducting business in accordance with applicable laws and regulations and suggest action or changes in operation or procedures to assure compliance with the same.
- Research special legislation and initiatives involving BHRA matters.
- Attend BHRA meetings as needed and serve as the BHRA's parliamentarian.
- Meet with and advise BHRA staff, commissioners, the City Manager, and other staff on BHRA-related business or projects that have potential legal implications.

- Represent the BHRA in the acquisition of property, easements, and rights of way; this includes examination of title, negotiation of the price of property to be sold or acquired, drafting purchase agreements and closing documents, and attending the closing meeting.
- Research and submit legal opinions on matters involving tax increment financing, property acquisition, relocation, real estate development, property disposal, public improvements and rights-of-way dedication.
- Provide or subcontract for special services such as litigation, design review, appraisers, construction monitoring experts, and other experts.
- Provide advice on the open meeting law, data practices, records retention and privacy issues.
- Maintain all documents and records generated in the performance of these duties in a manner consistent with state law and the City's data retention policies.

The number of hours billed by the current BPA General Counsel has ranged from 3 to 116 hours per month, with an average of 23 hours per month during the last 24 months. The amount of work depends on many factors and can be expected to fluctuate from month to month.

SECTION III. TIMETABLE

The BHRA plans to use the following timetable for receiving and analyzing qualifications:

1. Qualifications will be received until 4:00 p.m. on Monday, August 31, 2015, at the Bloomington Housing and Redevelopment Authority, Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431.
2. Housing and Redevelopment Authority Board members, staff, and City staff will review and analyze all proposals.
3. One or more firms will be asked to participate in interviews with a panel composed of staff, external advisor(s) and one or more BHRA commissioners. Representatives may be asked to attend a meeting of the full BHRA board.
4. The BHRA intends to make a final selection in September 2015, with services commencing upon approval and appointment by the BHRA Board.
5. The term of appointment as BHRA legal counsel shall be subject to a written agreement between the BHRA and the selected firm and subject to ongoing review and evaluation by the Housing and Redevelopment Authority Administrator and Board of Commissioners.

SECTION IV. GENERAL INSTRUCTIONS

Questions regarding this RFP should be directed to Doug Grout, Housing and Redevelopment Authority Administrator, using the contact information below.

In order to ensure a fair review and selection process, law firms submitting proposals are specifically requested not to make other contacts with the City or BHRA staff or Board members regarding their proposals. Proposals should not exceed 25 pages. Seven (7) copies of the proposal should be submitted no later than 4:00 p.m. on Monday, August 31, 2015 to:

Doug Grout, Administrator
Bloomington Housing and Redevelopment Authority
1800 W Old Shakopee Road
Bloomington, MN 55431

Mark the outside of the envelope or box "Proposal for BHRA Legal Services"

SECTION V. REQUIRED PROPOSAL CONTENT

1. Firm Background
 - a. Brief history of the firm and its areas of practice
 - b. Number of attorneys/and their areas of practice
 - c. Office organization and support capabilities, including paralegal and other support personnel
 - d. Office location(s)
2. Firm Qualifications
 - a. Describe the services your firm could provide to the BHRA.
 - b. Explain your firm's capacity and strategy for taking on this assignment.
 - c. Describe the underlying philosophy or mission statement of your firm and any aspects that uniquely qualify the firm for this assignment as BHRA legal counsel.
 - d. Describe the firm's experience in the following matters: public/private redevelopment agreements, public improvement agreements, relocation and property acquisition, condemnation/eminent domain, tax increment financing, tax abatement, relocation, environmental law, housing and real estate development.
 - e. Provide the names and contact information of three clients similar to the BHRA that the BHRA may contact as references.
 - f. If the firm has represented any Minnesota Housing and Redevelopment Authorities, Port or Economic Development Authorities, or municipalities, counties, or governmental agencies in land use, redevelopment, public financing or construction law matters from 2005 through the present, state the name of the agency, and the name, title, and telephone number of a reference the Authority may contact. If the firm has represented such an entity, but does not

wish the BHRA to contact them, list the name of the municipality or agency, and state your reasons why no contact is requested.

3. Attorney Qualifications

- a. Identify primary attorney(s) and key support personnel who will be supplying services to the BHRA. For each person identified, please provide:
 - i. Relevant academic training and degrees
 - ii. Professional chronology
 - iii. Areas of practice, along with any special certifications
 - iv. Identify any representative published cases
 - v. Bar admissions
 - vi. Professional affiliations
 - vii. Publications and academic positions.
 - viii. Working relationships with public agencies (such as Minnesota Housing Finance Agency, Mn/DOT, HUD, Metropolitan Council, Metropolitan Transit, DEED) that may assist the BHRA's work.
 - ix. Other background experience, which may be helpful in evaluating your firm's qualifications.
- b. A description of the proposed allocation of work among the attorney(s) and support personnel identified. For example, who will be the lead attorney and what types of work will be handled by junior partners, associates or paralegals.
- c. Current principal responsibilities for the individual designated as lead attorney, including a statement indicating future availability and how the firm envisions day-to-day contact with BHRA staff will function.

4. Fees and Insurance

- a. The qualifications statement must outline the proposed pricing schedule or hourly rates for BHRA legal services and describe the proposer's expense reimbursement policies. Indicate whether the length of engagement affects your proposed fee schedule.
- b. Confirm that the Firm maintains at least the following minimum insurance coverage:
 - i. Comprehensive General Liability Insurance: Bodily injury in the amount of at least \$1,500,000 per individual and \$1,500,000 for injuries or death arising out of each occurrence. Property damage liability in the amount of \$1,500,000 for each occurrence.
 - ii. Automobile Liability Insurance: At least \$500,000 per individual and \$1,500,000 per occurrence for any injuries, including death, arising out of each occurrence, and property damage coverage of \$1,500,000 for each occurrence.
 - iii. Worker's Compensation Insurance as required by Minnesota Statutes, Section 176.181, subd 2.
 - iv. Professional Liability Insurance in the amount of \$1,000,000 during the term of the contract.
- c. Describe the systems or mechanisms that will be established for monthly reporting of project status and billing.

- d. Define what type(s) of work is considered to be extra or specialized work and how this work will be billed in addition to basic services.
 - e. Indicate all other costs and reimbursables including travel (per mile), telephone, printing, photocopying, etc.
 - f. Identify the minimum increment of time billed for each service including phone calls, correspondence and personal conferences.
5. Conflict of Interest
- a. Indicate whether you or your law firm represent, or have represented any client that may conflict with your ability to serve as BHRA legal counsel. Serving as BHRA counsel will include representing the BHRA in interactions with United Properties, Stuart Co, Sand Companies, Common Bond, and Dominion, among others.
 - b. Do you currently represent any real estate developers? If so, please identify those companies or persons and identify how much work for real estate developers constitutes your firm's total billings.
 - c. Do you currently represent any other units of government or redevelopment agencies having jurisdiction within the City of Bloomington or the Minneapolis/St. Paul metro area?
 - d. What procedures does your firm utilize to identify and resolve conflicts of interest?
 - e. List all public clients for which your firm currently provides services. Identify any foreseeable or potential conflicts of interest, both public and private, that could result from such representation and the manner in which you would propose to resolve such conflicts.
 - f. For the person to be designated as BHRA Counsel, list clients this attorney currently represents.
6. Other Information
- a. If the firm or any of the attorneys employed by the firm, have ever been sued by a municipal client, or other client for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, provide information about the nature of the incident, the dates when the matter began and was concluded, and the results of the matter.
 - b. If your firm is not selected as the primary BHRA legal counsel, indicate whether or not your firm is willing to serve as conflict counsel for the BHRA.

SECTION VI. EVALUATION AND APPOINTMENT

1. The BHRA intends to retain the services of the firm with the lawyer(s) and support staff best qualified to perform the work. Cost, responsiveness, accessibility, past accomplishments, positive references, relevant experience and qualifications, demonstrated communication and negotiation skills, demonstrated drafting skills, knowledge of state zoning, planning, housing, redevelopment, and economic

development laws, understanding and use of technology related to the efficient delivery of legal services, ability to collaborate with BHRA staff, the City Attorney and other assigned legal counsel and other factors will be considered.

2. Based upon a review by the BHRA evaluation team, the BHRA staff and evaluation team will recommend appointment of a firm judged to be the most responsive, qualified and responsible. The final appointment will be made by the BHRA Commissioners.
3. The BHRA and selected firm will enter into a written agreement describing the terms and conditions of the appointment.
4. The BHRA will not reimburse the proposer for any expenses incurred by making a proposal, including, but not limited to, expenses associated with the preparation and submission of the proposal, and attendance at interviews.
5. The BHRA reserves the right to reject any and all proposals or to request additional information from any and all proposers and to request modifications to the terms and conditions offered by a firm submitting a proposal.
6. The request for proposals does not obligate the BHRA to award a contract. The BHRA reserves the right to cancel this solicitation if it is considered to be in the BHRA's best interest.

SECTION VII. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become the property of the Bloomington Housing and Redevelopment Authority and will become public record after the evaluation process is completed and an award decision made. If a firm submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, Minnesota Statutes 13.37, the proposal must:

1. Clearly mark all trade secret materials in the RFP response at the time the response is submitted;
2. Include a statement with the RFP response justifying the trade secret designation for each item and defend any action seeking release of the materials it believes to be a trade secret;
3. Indemnify and hold harmless the BHRA, its agents and employees, from any judgments or damages awarded against the BHRA in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the BHRA's award of a contract. In submitting a response to this RFP, the firm agrees that this indemnification survives as long as the trade secret materials are in possession of the BHRA.

The BHRA is required to keep all the basic documents related to its contracts, including responses to Requests for Proposals for a minimum of seven (7) years. The BHRA will not consider the prices or hourly rates submitted by the firm to be proprietary or trade secret materials. Responses to this RFP will not be available for public review until the BHRA decides to pursue a contract and that contract is awarded.

Appendix A: Housing and Redevelopment Authority Bylaws

Appendix B: Resolution Establishing the Housing and Redevelopment Authority

Appendix C: Contract with City of Bloomington for Staff Services

Appendix D: Articles describing recent Housing and Redevelopment Authority redevelopment projects